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C O N F I D E N T I A L VALLETTA 000537

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SUBJECT: SECURITY COOPERATION DILEMMA: WITH LABOR PARTY IT
MAY BE A NO-GO, WITH RULING NATIONALIST PARTY A SLOW-GO

Classified By: Ambassador Douglas Kmiec, Reasons 1.4(b) and (d)

¶1. (C) SUMMARY. During a November meeting with U.S. Ambassador to Malta Douglas Kmiec, Labor Party leader Joseph Muscat and former Labor government FM George Vella declared that the country's reactivated membership in PfP was invalid, as it failed to comply with Malta's Treaties Act. Though expressing a willingness to accept PfP membership, Muscat's and Vella's comments also signaled Labor's continuing opposition to membership in NATO and make Labor Party acquiescence to any Status of Forces Agreement (SOFA) doubtful. The party leaders did express their hope for improved Labor Party relations with the U.S. and the embassy.

A subsequent question by the Ambassador concerning the GOM's ability to support President Obama's invitation for nations to contribute to peace and stabilization in Afghanistan has ignited public debate over the meaning of "neutrality" in the Maltese constitution and prompted the GOM to suggest a small step forward in our efforts toward closer security cooperation and a Status of Forces Agreement. END SUMMARY.

¶2. (C) In November, Ambassador Kmiec met with Labor Party (PL) leader Dr. Joseph Muscat, and with former PL leader and ex-Foreign Minister, George Vella. This was an initial courtesy call, intended to allow a discussion of issues of general concern. Muscat welcomed the Ambassador warmly, saying it was important for PL to improve relations with the U.S. Embassy and with the USG, adding that any reservations he had harbored had been "wiped away" by the new U.S. administration's multilateral approach.

¶3. (C) During the conversation, the question of whether PL members would be allowed to participate in an International Visitors Program (IVP) visit to NATO HQ on the subject of Mediterranean Dialogue and other NATO-sponsored programs arose. At this point, former party leader Vella announced that PL considered Malta's current participation in the Partnership for Peace (PfP) to be invalid, since Labor had withdrawn from PfP in 1996, and the current government had no way to rejoin PfP without parliamentary approval. Vella added that since the PL government led by then-PM Alfred Sant had executed a "complete unconditional withdrawal" from PfP (Vella claimed to have himself approved the letter to NATO in his capacity as Foreign Minister), it would have been improper for NATO to have characterized the action as a suspension, and the current Nationalist Party (NP) led government could have had no basis for "reactivating" Malta's membership in PfP.

¶4. (C) Vella lamented that the current Nationalist Party (PN) government had "circumvented" Malta's Treaties Act, which requires either a resolution or other act of Parliament to ratify any international agreement. PL, Vella indicated, had come to the conclusion that PfP membership was not contrary to the neutrality clause of Malta's constitution, and would have been willing to work with the government to rejoin. PL remained silent following the government's declaration of

renewed membership, Vella said, because of that belief. It did not mean that they accepted the act as valid, however. PL leader Muscat, who had taken a clear second seat to Vella in the discussion, added that while PL was ready to change, it could not accept politically being "taken for granted" or "humiliated."

15. (C) POST COMMENT. PL opposition to NATO membership is a long-standing position, based on Labor's interpretation of the neutrality clause in Malta's constitution. However, Vella's statements that Malta's PfP membership is invalid are unexpected and troublesome, particularly in view of his acknowledgment of the PfP's intrinsic value and its consistency with Labor's goal of neutrality. It appears to presage continuing PL efforts to focus on partisan advantage without reference to broader national security objectives. Hopes for Labor's buy-in for a SOFA agreement - whether PfP or bilateral - may be a casualty of this attitude. The meeting also raises the issue of how secure Joseph Muscat's position as PL leader is. At 35, ex-TV and radio personality Muscat is the youngest person to have served in his position.

He was elected as leader following PL's defeat in 2008 General Elections, replacing long-time leader Alfred Sant, who served from 1992-2008. Muscat's ceding the lead in this discussion of Malta's national security policy to old-line Labor politician Vella may suggest that he has some way to go to consolidate party control.

16. (C) Subsequent to this meeting, Ambassador Kmiec used a public presentation at the Mediterranean Diplomatic Academy (MEDAC) to ask the question: "What does Malta mean by Neutrality?" The Ambassador queried: "neutral as to what?" He speculated that some might see this language as precluding

direct military assistance to the ISAF forces in Afghanistan, but urged that it "certainly ought not be construed to say Malta is neutral as to the cost of terrorism." He concluded by asking, "Will Malta answer the President's call or not? Will Malta supply humanitarian assistance or technical assistance in the form of agricultural training or instruction in the organization of governance?" Later, in an email communication with the Foreign Minister (Borg), Ambassador Kmiec urged the GOM to take steps to make it possible for the U.S. Navy to come to a Maltese port by signing the PfP/NATO SOFA which is an expected step for PfP participants. While the Nationalist Party-led government had no immediate formal response, the Prime Minister's Defense Advisor and effective Defense Minister, Vanessa Frazier (PROTECT) said the PfP/NATO SOFA can't be signed without parliamentary approval, and opined that the PM could not deliver that. Frazier suggested that the best course would be to execute the SOFA incrementally by means of dip notes, and indicated she would contact the Embassy with a proposal (which would have the approval of the PM's Chief of Staff).

17. (C) Comment: The dip note offer could be a useful interim step for Malta (if acceptable to Department and USEUCOM) as it would reacquaint Malta with the value -- economic and associational -- of ship visits. This approach would also be compatible with a memorandum prepared by Admiral Stavridis' staff following Ambassador Kmiec's visit to EUHQ in October 2009 requesting that EUHQ agree to grant SOFA waivers for scheduling at least 5 or 6 ship visits to keep the matter alive while good faith SOFA discussions are ongoing.

18. (C) Comment continued: The "outing" of the neutrality issue seems to have been a watershed moment. There has been positive editorial commentary noting the Ambassador has raised an issue necessary for Malta to decide. Significantly, PL leader (Joseph Muscat) is quoted as saying that the constitution requires "modernization" going forward, though he then took away some of the significance of this by proclaiming the need to act only multilaterally.

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